

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES ALLEN,)	
)	Civil Action No. 2:12 - 1759
Plaintiff,)	
)	
v.)	District Judge Terrence F. McVerry
)	
SCI PINE GROVE; <i>ET AL.</i> ;)	
)	
Defendants.)	
)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1) on December 4, 2012, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court.

On December 6, 2012, the Magistrate Judge filed a Report and Recommendation (ECF No. 2) recommending that the Motion for Leave to Proceed *In Forma Pauperis* be denied and that the Complaint be dismissed with prejudice under 28 U.S.C. § 1915A and 28 U.S.C. § 1915e for failure to state a claim upon which relief can be granted. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until December 24, 2012 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 7th day of January, 2013;

IT IS HEREBY ORDERED that the Motion for Leave to Proceed *In Forma Pauperis*

(ECF No. 1) is **DENIED**.

IT IS HEREBY ORDERED that the Complaint is **DISMISSED** with prejudice under 28 U.S.C. § 1915A and 28 U.S.C. § 1915e and it would be futile to allow Plaintiff the opportunity to amend.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 2) dated December 6, 2012, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/Terrence F. McVerry
United States District Judge

Charles Allen
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